

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC WITHERSPOON, professionally
known as DORIAN MOOR, an
individual,

Plaintiff,

v.

CARLA GREEN, an individual;
KARRYL SMITH, an individual;
CARLA GREEN and KARRYL SMITH,
professionally known as THE
CONSCIOUS DAUGHTERS; OSCAR JEROME
JACKSON, JR., professionally
known as PARIS, an individual;
GUERRILLA FUNK RECORDINGS AND
FILM WORKS, LLC, a California
limited liability company;
FONTANA DISTRIBUTION, LLC, a
Delaware limited liability
company; STEVEN ANDERSON, also
known as STEVEN KING, an
individual; and DOES 1 through
200, inclusive ,

Defendants.

No. C 10-3722 CW

ORDER GRANTING
DEFENDANT CARLA
GREEN'S MOTION TO
SET ASIDE ENTRY OF
DEFAULT, and
GRANTING IN PART
AND DENYING IN
PART DEFENDANT
GREEN'S REQUEST TO
CONTINUE THE TRIAL
AND REOPEN
DISCOVERY (Docket
No. 42)

For the reasons explained at the December 22, 2011 hearing,
the Court grants Defendant Carla Green's motion to set aside entry
of default against her and her request to continue the trial.
Docket No. 42. The five day jury trial is reset to begin on March
19, 2012 at 8:30 am. The Court will not entertain any dispositive
motions. The parties shall appear for a final pretrial conference
on March 7, 2012 at 2:00 pm. Deadlines and requirements related

1 to the pretrial conference are provided in the Court's standing
2 order for pretrial preparation.

3 Discovery in this case is reopened on a limited basis. Green
4 may submit limited discovery requests, which shall be served on
5 Witherspoon on or before January 3, 2012. Green's requests for
6 discovery are limited to five requests for the production of
7 documents, five requests for admissions, five interrogatories and
8 a deposition of Witherspoon, not to exceed four hours.

9 Witherspoon shall respond to Green's written discovery requests on
10 or before February 3, 2012. If necessary, Green may file a motion
11 for late disclosure of an expert witness. Witherspoon may submit
12 discovery requests in keeping with the rules set forth in the
13 Federal Rules of Civil Procedure.

14 Finally, for settlement purposes, this case is referred to
15 Magistrate Judge Maria Elena James, with the understanding that
16 she previously handled a discovery dispute in this action. The
17 parties shall appear for a settlement conference with Judge James
18 at the convenience of her calendar.

19 The claims against Karryl Smith and Steven Anderson are
20 dismissed because they were never served with the summons and
21 complaint. Docket No. 7.

22 IT IS SO ORDERED.

23
24 Dated: 12/27/2011


CLAUDIA WILKEN
United States District Judge